

[Chap1808]CHAPTER 18:08

CONTROL OF GOODS

ARRANGEMENT OF SECTIONS

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CONTROL OF GOODS

CONTROL OF GOODS ACT, 1968The Control of Goods Act, 1968, (28 of 1968) was assented to on the 28th of October, 1968, but only sections 4, 5 and 18 were in operation on 10th January, 1969. (See G.N. 189 of 1968). Those sections are set out below and, for convenience of reference, subsidiary legislation made under section 18 is set out immediately thereafter.

4 Registration

(1) Any person wishing to be registered as an importer or an exporter under this Act shall make application in writing addressed to the Minister, and shall supply such additional information as the Minister may require.

(2) The Minister may, at his discretion, register the applicant as an importer or exporter, as the case may be, and if he does so register the applicant shall issue him with a certificate of registration in the prescribed form.

(3) The production of a certificate of registration as an importer or exporter, as the case may be, issued under subsection (2) shall be prima facie evidence that the person named therein is so registered.

(4) Certificates issued under subsection (2) shall not be transferable without the written approval of the Minister.

(5) In the case of a certificate issued to a company or firm, a transfer of the control of the company or firm shall terminate the validity of the certificate unless the Minister otherwise orders. The decision of the Minister as to whether any transfer of the control of a company or firm has taken place shall be final and shall not be questioned in any court.

5 Cancellation of registration

The Minister, if he is satisfied that a person registered under section 4 has acted in a manner harmful to the interests of the national economy or the security of the State, may without liability for compensation, cancel such registration.

18 Regulations

The Minister may make regulations for the better carrying out of the provisions of this Act and prescribing anything required to be prescribed under this Act, and without prejudice to the generality of the foregoing such regulations may prescribe fees for the registration of importers and exporters and for the issue of import and export licences.

12 of 1954(F)

G.N. 2/1964(N)

219/1964(N)

An Act to enable the Minister to provide by regulation for the control of the distribution, disposal, purchase, and sale, and the wholesale and retail prices of any manufactured or unmanufactured commodity or of any animal or poultry specified by the Minister by order or of any class of any such commodity, animal, or poultry, for the control of imports into and exports from Malawi, and for other purposes incidental and supplementary to the foregoing.

[26TH MARCH 1954]

[Ch1808s1]1. Short title

This Act may be cited as the Control of Goods Act.

[Ch1808s2]2. Interpretation

In this Act, unless inconsistent with the context—

“animal” means any animal, poultry or fish or any class of animal, poultry or fish specified by the Minister by order published in the Gazette to be an animal for the purposes of this Act;

“commodity” means any manufactured and unmanufactured commodity or any class of a commodity specified by the Minister by order published in the Gazette to be a commodity for the purposes of this Act;

“goods” means anything capable of being imported or exported.

[Ch1808s3]3. Regulations for the control of goods

(1) Whenever it appears to the Minister necessary or expedient to control—

(a) the import into or export from Malawi of any goods;

(b) the distribution, disposal, purchase and sale, or the wholesale or retail prices of any commodity or animal and the charges which may be made—

(i) for services relating to the distribution, disposal, purchase, and sale of the commodity or animal, as the case may be; and

(ii) for delivery of any commodity or animal, the wholesale or retail prices of which are controlled under this section,

he may make such regulations as appear to him to be necessary or expedient for such purposes.

(2) Without prejudice to the generality of the powers conferred by subsection (1), such regulations may provide—

(a) for requiring persons carrying on or employed in connexion with any trade, business, undertaking, or enterprise specified in such regulations to produce to such person as may be so specified any books, accounts, or other documents relating to that trade, business, undertaking, or enterprise, and for requiring any persons to furnish to such person as may be so specified such estimates or returns as the Minister considers it desirable to obtain for the effectual exercise of any of his powers under this section;

(b) for any incidental and supplementary matters for which the Minister thinks it expedient for the purposes of the regulations to provide, including in particular the entering and inspection of premises to which the regulations relate by persons authorized in that behalf by the Minister with a view to securing compliance with the regulations.

(3) Regulations made under this section may provide for empowering the Minister or such other Minister as may be specified in such regulations to make orders—

(a) for the control to such extent as may be specified in such regulations of the import into or export from Malawi of such goods or classes of goods as may be specified in such regulations;

(b) in respect of such commodities and animals as may be specified in such regulations for any of the purposes specified in subsection (1) (b).

Any orders made in terms of this subsection may contain such incidental or supplementary provisions as appear to the specified Minister to be necessary or expedient for the purpose of such orders.

(4) Regulations and orders under this section may be made so as to apply generally or to any particular trade, business, undertaking, or enterprise, or class thereof, and either to the whole or to any part of any trade, business, undertaking, or enterprise, and so as to have effect either throughout Malawi or in any particular area therein.

(5) For the avoidance of doubt, it is hereby declared that section 4 shall not apply in relation to any order under this section.

[Ch1808s4]4. Rationing commodities and animals

Regulations made under section 3, in relation to the rationing of any commodity or animal, may—

(a) fix or provide for fixing different quantities of the commodity or animal to be obtainable in the aggregate or individually by different classes of persons;

(b) provide for methods of distribution of the commodity or animal which differentiate as between different classes of persons so far as appears to the Minister to be necessary in order to secure or permit such distribution through the usual channels and agencies through which such classes of persons normally obtain the commodity or animal.

[Ch1808s5]5. Evidence

(1) In any proceedings under this Act against any person, any statement or entry contained in any book or document kept by him or any person in his employ, or by his agent, shall be admissible in evidence as an admission of the facts set forth in that statement or entry, unless it is proved that the statement or entry was not made by that person, by any person in his employ, or by his agent.

(2) Whenever the manager, agent, or servant of any person does or omits to do anything which it would be an offence under this Act for such person to do or omit to do, such person shall be deemed himself to have done or omitted to do such thing and be liable to the penalties therefor in terms of this Act unless he proves to the satisfaction of the court that all reasonable steps were taken by him to prevent any act or omission of the kind in question:

Provided that the fact that the person issued instructions forbidding in respect of his manager, agent, or servant any act or omission of the kind in question shall not by itself be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

[Ch1808s6]6. Penalties

Any person who contravenes or fails to comply with any regulation or order made under this Act shall be liable—

(a) for a first offence, to a fine of K200 or in default of payment to imprisonment for six months;

(b) for a subsequent offence, to a fine of K400 and to imprisonment for one year.